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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,763	06/27/2003	Tzu-Hsiung Lee	3722-0149P	5517
2292	7590	10/19/2004	EXAMINER	
		BIRCH STEWART KOLASCH & BIRCH	SAWHNEY, HARGOBIND S	
		PO BOX 747		
		FALLS CHURCH, VA 22040-0747	ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/606,763	LEE ET AL.
	Examiner Hargobind S Sawhney	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/20/04.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
5) Notice of Informal Patent Application (PTO-152)
6) Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Taniuchi (US Patent No.: 6,247,835 B1) hereafter referred as Taniuchi.

Taniuchi discloses an adjustable illuminating apparatus comprising:

- a light source 2 passing through a hole defined in a base 3 (Figure 1, column 3, lines 35-42);
- a reflector 4 surrounding the base 3, and the reflector mounted to the base 3 to collect and reflect the light rays (Figure 1, column 3, lines 35-42); and
- a continuously adjustable mechanism 5 for continuously moving the light source 2 (Figure 1, column 3, lines 35-42).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniuchi (US Patent No.: 6,247,835 B1), hereafter referred as Taniuchi, in view of Redzinsky et al. (US Patent No.: 6,206,555 B1).

Regarding Claim 2, Taniuchi does not teach an illuminating apparatus including a continuously mechanism including a cam driven to rotate a light source.

On the other hand, Redzinsky et al. ('555 B1) discloses a headlight comprising a driven cam 5 to rotate and to move a light source (not shown, Abstract, column 2, lines 20-24, and column 3, lines 3-5 and 38-40).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminating apparatus of Taniuchi by providing the continuously adjustable mechanism with a driven cam as taught by Redzinsky et al. ('555 B1) for benefit and advantage of repeatedly moving the light source with a simple structural element.

Regarding claims 3-7, Taniuchi in view of Redzinsky et al. ('555 B1) discloses the illuminating apparatus further including:

- a motor 2 to rotate the cam 5 (Redzinsky, Figure 1, column 3, lines 6-12);

- a gear set 4 for driving the cam 5 to rotate (Redzinsky, Figure 1, column 3, lines 9-12);
- a motor 2 driving the gear set 3,4 including a worm shaft 3 and a worm gear 4 (Redzinsky, Figure 1, column 3, lines 9-12);
- the light source (Taniuchi, Figure 1, column 3, lines 35-37) including a follower 7 in contact with the cam 5 and coupled to the light source (Redzinsky, Figure 1, column 3, lines 9-12 and lines 38-40);
- the light source (not shown) mechanically coupled to the follower 7 and partially passing through a spring 10 (Redzinsky, Figure 1, column 3, lines 19-20); and
- the spring having a first end contact with the base 9, and a second contact with the follower 7 (Redzinsky, Figure 1).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taniuchi (US Patent No.: 6,247,835 B1), hereafter referred as Taniuchi, in view of Bornhorst (US Patent No.: 4,602,321).

Regarding Claim 8, Taniuchi does not teach an illuminating apparatus comprising a continuously mechanism including a motor driven screw rod moving a light source.

On the other hand, Bornhorst ('321) discloses a light source device 14 (Figures 2 and 3) including a continuously adjustable mechanism, and the continuously adjustable mechanism including:

- a nut 38 fixed to the base 49 (Figures 2 and 2, column 3, lines 48-56);

- a screw rod 40 fitted into the nut 38, and the screw rod 40 being driven by a motor 46 (Figures 2 and 2, column 3, lines 48-56); and
- the motor driven screw rod 40 moving a light source 26 (Figures 2 and 3, column 3, lines 39-45).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminating apparatus of Taniuchi by providing the continuously adjustable mechanism as taught by Bornhorst ('321) for benefit and advantage of repeatedly moving the light source for control of hue and saturation of light beams.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taniuchi (US Patent No.: 6,247,835 B1), hereafter referred as Taniuchi, in view of Hirose et al. (US Patent No.: 5,029,058).

Regarding Claim 9, Taniuchi does not teach an illuminating apparatus including a continuously adjustable mechanism including a rack fixed to a light source, and the rack engaged with a motor driven pinion.

On the other hand, Hirose et al. ('058) discloses a focusable and adjustable lighting device (Figure 3) including a continuously adjustable mechanism, and the continuously adjustable mechanism 30 including:

- a rack 33 fixed to a light source 3; a pinion 32 engaged with the rack 33; and the pinion 32 being rotated by a motor 31 (Figure 3, column 4, lines 53, and 59-65).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminating apparatus of Taniuchi by providing the continuously

adjustable mechanism as taught by Hirose et al. ('058) for benefit and advantage of repeatedly linearly moving the light source in a compact space, and without rotating the light source structure.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burton (U.S. Patent No. 6,257,747 B1), Neumann et al. (U.S. Patent No. 5,047,4902), Bamber (US Patent No.: 5,017,327), Bahnemann et al. (US Patent No.: 4,729,065) and Yamazoe et al. (Japanese Patent No.: JP 20000-47594)

Each of the above-indicated prior arts discloses a continuously adjustable illuminating apparatus comprising some of the claimed features claimed by the applicant.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571-272-2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-93067724 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS

October 13, 2004



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800